

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

C.W.P. No.9362 of 2005

Date of Decision: 13.10.2006.

Arun Kumar

....Petitioner.

Versus

Union of India and others

...Respondents.

CORAM : Hon'ble Mr. Justice Surya Kant.

Present:- Mr.I.D.Singla,Advocate
for the petitioner.

Mr.Renu Bala Sharma,Advocate,
for the respondents/UOI.

SURYA KANT, J.(ORAL)

In this writ petition, the petitioner has come up with a prayer to direct the respondents to consider him for promotion to the post of Assistant Engineer (Civil)/AC by considering his case in accordance with the provisions of the Engineering Recruitment Rules 1975.

It is averred that the petitioner possesses the requisite qualifications prescribed for the posts in the Engineering Department, therefore, he is entitled to be absorbed and promoted in the Engineering Department only.

In support of his claim, apart from the academic qualification of three years Diploma course in Civil Engineering, the petitioner also relies upon the judgement dated 19.12.2002 passed by a Division Bench of this Court in C.W.P. No.15524 of 1997 (Rakesh Kumar Kanda Vs. Union of

India and others) (Annexure P-9).

It will be apposite to reproduce the relevant operative part of the above cited judgment, which reads as follows:-

“The petitioners ever since their induction into the service have rendered duties uninterruptedly in the Engineering Cadre of the Border Security Force as Junior Engineer (Civil). In such circumstances they are liable to be given the benefit of service rendered by them as Junior Engineer (Civil) including the right of onward promotion in terms of the 1975 Recruitment Rules. Since the petitioners have rendered more than 8 years of service as Junior Engineer (Civil) they are all eligible for consideration for promotion to the post of Assistant Engineer (Civil) under the aforesaid rules. The respondents are, therefore, directed to consider the claim of the petitioners for promotion to the post of Assistant Engineer (Civil) under the said rules.”

Learned counsel for the respondents does not dispute either the academic qualifications possessed by the petitioner or the fact that he is working in the Engineering Department uninterruptedly. Notwithstanding some preliminary objection taken in the written statement, she fairly states that if the petitioner makes an appropriate representation before the Competent Authority, his case for promotion against the post in

Engineering Department, in accordance with provisions of 1975 Engineering Recruitment Rules, shall be considered and if he is found eligible and suitable, necessary orders to that effect shall be passed.

In view of the above mentioned fair stand taken by learned counsel for the respondents, this writ petition is disposed of with liberty to the petitioner to make a representation to the competent authority within one month from today for his promotion and absorption in the Engineering Department and if any such representation is made by him, the respondents are directed to consider the same in accordance with provisions of the Engineering Recruitment Rules 1975 read with the Division Bench Judgment of this court in Rakesh Kumar Kanda and other's case (Supra). The needful shall be done by the competent authority within a period of three months from the date of receipt of the representation from the petitioner.

Disposed of.

(SURYA KANT)
JUDGE

Oct 13, 2006.

Reema